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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,528	11/13/2003	Michael Atencio	13909.0006	9292
7590	07/08/2008		EXAMINER	
Brent T. Winder			BUCHANAN, CHRISTOPHER R	
Jones Waldo Holbrook & McDonough			ART UNIT	PAPER NUMBER
170 South Main Street, Suite 1500				3627
Salt Lake City, UT 84101				
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			07/08/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/713,528	<b>Applicant(s)</b> ATENCIO ET AL.
	<b>Examiner</b> CHRISTOPHER R. BUCHANAN	<b>Art Unit</b> 3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 November 2003.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 13 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/3/05

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Line 3 of the claim reads "... *provided by the subscriber to the data via...*" The term "data" appears to be an error and the examiner presumes that the term should be "provider" and has examined the claim based upon this presumption.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamura (US 2003/0048380) alone.

Regarding claim 1, Tamura discloses a system architecture for facilitating self-provisioning of services by a user, the system architecture including a user device (150, television, Fig. 1) that delivers services to the user (par. 22, information delivered to

television), a service provider (108, cable provider) that offers services to the user device (par. 22, abstract), an infrastructure (112, network) that transports services from the provider to the user device (par. 22, see Fig. 1), and a system control (104, set top box) that enables the user device to receive services over the infrastructure (par. 7, par. 22, STB processes information and presents to user device).

The system of Tamura differs from the claimed invention in that it does not explicitly show the user to be a subscriber.

However, the user could be a variety of entities, such as a subscriber, guest, maintenance worker, provider employee, etc., and the particular identity of the user would be a matter of design choice.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Tamura so that the user is a subscriber to enable a services subscriber to access services without the intervention of the services provider.

Regarding claim 2, the system control is configured to allow the user to choose from a series of functions (setup menu) that may change the self-provisioning of services (par. 26). Regarding claim 3, the system control includes a user interface (incorporated into TV set or video recorder) that allows the user to interface with the system control and a means to allow the user to manage functions that modify the self-provisioning of services (par. 24-26). Regarding claim 4, the system control allows the user to access current user and services information (par. 27, user profile, viewing preferences). Regarding claim 5, the system control includes a database (520, par. 28). Regarding claims 6-9, the particular features of the device management system, such

as functionality, database structure, etc., would be matters of design choice. Regarding claim 10, the generic device configuration is a set top box. Regarding claims 11 and 12, the system control allows the user to manage account and financial data (credit card, name, address, etc.) regarding the services (par. 27). Regarding claims 13 and 14, the system control allows the user to customize the services (viewing preferences, payment information, par. 27) and coordinates the users selections. Regarding claims 15-19, the particular features of the service configuration system and process would be matters of design choice.

Regarding claim 19, Tamura discloses a method of self-provisioning services for a user including formatting services data provided by the user via a user interface (user profile sent by STB, par. 27, STB functions incorporated into television, par. 24), presenting the services data to the services provider (par. 27, STB contacts accounts server), allowing the user to change the services data (viewing preferences, par. 27, updating, par. 26), allowing the user to conduct financial transactions relating to the self-provisioning of services (credit card info., par. 27), recording the user information in a database (520, par. 28), and translating the user information into configuration commands (par. 29-31).

The method of Tamura differs from the claimed invention in that it does not explicitly show the user to be a subscriber.

However, the user could be a variety of entities, such as a subscriber, guest, maintenance worker, provider employee, etc., and the particular identity of the user would be a matter of design choice.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Tamura so that the user is a subscriber to enable a services subscriber to access services without the intervention of the services provider.

Regarding claims 20-23, the user interface creates an account configuration (user profile sent to server, par. 27) and sends information to an account database (520, par. 28). The particular features of the database and processing done with various pieces of information would be matters of design choice.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited on PTO Form 892 enclosed herewith.
  
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER R. BUCHANAN whose telephone number is (571)272-8134. The examiner can normally be reached on Mon.-Fri. 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art  
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